

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address QUINN EMANUEL URQUHART & SULLIVAN LLP Eric D. Winston (SBN 202407) ericwinston@quinnemanuel.com Jeremy D. Andersen (SBN 227287) jeremyandersen@quinnemanuel.com Razmig Y. Izakelian (SBN 292137) razmigizakelian@quinnemanuel.com 865 S. Figueroa St., 10th Floor Los Angeles, California 90017 Telephone: (213) 443-3000 Facsimile: (213) 443-3100 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: OHP-CDR, LP and PurchaseCo 80, LLC	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: The Litigation Practice Group, P.C. <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 8:23-bk-10571-SC ADVERSARY NO.: 8:23-ap-01098-SC CHAPTER: 11
OHP-CDR, LP, a Texas Limited Partnership and PURCHASECO 80, LLC, a Texas Limited Liability Company, <div style="text-align: right;">Plaintiff(s).</div> <div style="text-align: center;">vs.</div> RICHARD A. MARSHACK, Chapter 11 Trustee and AZZURE CAPITAL, LLC, a New York Limited Liability Company. <div style="text-align: right;">Defendant(s).</div>	<div style="text-align: center;"> JOINT STATUS REPORT [LBR 7016-1(a)(2)] </div> <div style="margin-top: 10px;"> DATE: 12/06/2023 TIME: 11:00 a.m. COURTROOM: 5C ADDRESS: 411 West Fourth Street, Suite 5130 / Courtroom 5C Santa Ana, CA 92701-4593 </div>

The parties submit the following JOINT STATUS REPORT in accordance with LBR 7016-1(a)(2):

A. PLEADINGS/SERVICE:

- | | | |
|---|---|-----------------------------|
| 1. Have all parties been served with the complaint/counterclaim/cross-claim, etc. (Claims Documents)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Have all parties filed and served answers to the Claims Documents? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Have all motions addressed to the Claims Documents been resolved? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Have counsel met and conferred in compliance with LBR 7026-1? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," please explain below (*or on attached page*):

The answers above and below refer to both the Complaint and the Counterclaims.

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?

Plaintiff

November 2024

Defendant

Unknown, but do not disagree that November 2024 would be the earliest for trial.

2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.

Plaintiff

Parties are currently discussing settlement, if not fruitful, the parties will need to engage in fact and expert discovery, followed by dispositive motions.

Defendant

Parties are currently discussing settlement, if not fruitful, the parties will need to engage in fact and expert discovery, followed by dispositive motions.

3. When do you expect to complete your discovery efforts?

Plaintiff

End of July 2024.

Defendant

Unknown, but do not disagree that end of July 2024 would be earliest that discovery may be completed.

4. What additional discovery do you require to prepare for trial?

Plaintiff

There has been no discovery yet. The parties will need to engage in both fact and expert discovery concerning the issues set forth in the complaint, countercomplaint, and answers.

Defendant

There has been no discovery yet. The parties will need to engage in both fact and expert discovery concerning the issues set forth in the complaint, countercomplaint, and answers.

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?

Plaintiff

Current estimate, is three days, subject to change depending on discovery.

Defendant

Unknown - will know more after discovery; but 3 days per side for now.

2. How many witnesses do you intend to call at trial (*including opposing parties*)?

Plaintiff

3-4 witnesses, subject to change depending on discovery.

Defendant

Unknown - will know more after discovery; but probably 1-5 witnesses.

3. How many exhibits do you anticipate using at trial?

Plaintiff

Currently unknown, the answer depends on discovery.

Defendant

Unknown - will know more after discovery.

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff

Pretrial conference ☒ is ☐ is not requested
Reasons:

To narrow issues for trial. Plaintiffs request a final pretrial conference following discovery and summary judgment/Daubert motions.

Plaintiff

Pretrial conference should be set after:

(date) 11/01/2024

Defendant

Pretrial conference ☒ is ☐ is not requested
Reasons:

To narrow issues at trial.

Defendant

Pretrial conference should be set after:

(date) _____

E. SETTLEMENT:

1. What is the status of settlement efforts?

Plaintiffs and the chapter 11 trustee are currently engaged in settlement discussions, which may resolve the entire adversary proceeding.

2. Has this dispute been formally mediated? ☐ Yes ☒ No

If so, when?

Plaintiffs' comment: Plaintiffs and the chapter 11 trustee are currently engaged in settlement discussions, if those are not fruitful, then mediation may be helpful.

3. Do you want this matter sent to mediation at this time?

Plaintiff

☐ Yes ☒ No

Defendant

☐ Yes ☒ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

Plaintiff

☐ I do consent

☒ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

Defendant

☒ I do consent

☐ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

Plaintiffs' Additional Comments: Regarding consent to entry of final judgment, please see the complaint and the answer to the counterclaims.

All Parties' Additional Comments: Given the ongoing settlement discussions, the parties are not requesting that the court set a discovery cut off at this time. Additionally, the parties request that the Court continue the December 6, 2023 status conference with respect to both the complaint and the counterclaims to sometime in late January or early February (at the Court's convenience) in light of the ongoing settlement discussions.

Respectfully submitted,

Date: 11/22/2023

Quinn Emanuel Urquhart & Sullivan LLP

Printed name of law firm

/s/ Razmig Izakelian

Signature

Razmig Izakelian

Printed name

Attorney for: OHP-CDR, LP & PurchaseCo 80, LLC

Date: 11/22/2023

Dinsmore & Shohl, LLP

Printed name of law firm


Signature

Yosina M. Lissebeck

Printed name

Attorney for: Ch. 11 Trustee, Richard M. Marshack

JOINT STATUS REPORT – ADDITIONAL PARTY ATTACHMENT

Additional party name: Azzure Capital, LLC

☐ Plaintiff ☒ Defendant Other (specify): _____

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?
Unknown at this time. See comments below.
2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.
See comments below.
3. When do you expect to complete your discovery efforts?
Unknown at this time. See comments below.
4. What additional discovery do you require to prepare for trial?
Fact and expert discovery, including depositions, interrogatories, request for admissions, expert reports and depositions.

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?
Unknown at this time. See comments below.
2. How many witnesses do you intend to call at trial (*including opposing parties*)?
Unknown at this time. See comments below.
3. How many exhibits do you anticipate using at trial?
Unknown at this time. See comments below.

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pretrial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Pretrial conference ☒ is ☐ is not requested.

Reasons: Reduce issues for trial.

Pretrial conference should be set after (date): _____

E. SETTLEMENT:

1. What is the status of settlement efforts?

Azzure is aware of on going settlement efforts between Plaintiff and the Trustee. Azzure has not been invited to participate to date.

2. Has this dispute been formally mediated? ☐ Yes ☒ No
If so, when?

3. Do you want this matter sent to mediation at this time? ☐ Yes ☒ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

I ☐ do ☒ do not consent to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

Defendant Azzure's Additional Comments:

Azzure is aware of on going settlement efforts between Plaintiff and the Trustee. Azzure has not been invited to participate to date. Azzure believes that encouraging settlement discussions between the Trustee and Plaintiff for a limited period of time may preserve fees, costs and judicial resources if the parties are able to resolve the entire adversary proceeding. Azzure specifically reserves all of its rights and remedies including its demand for attorney fees under the notes, accrued interest, costs and recovery of all other allowable damages.

Bryan Cave Leighton Paisner LLP

Printed name of law firm

Sharon Z Weiss

Signature

Sharon Z. Weiss

Printed name

Attorney for: Azzure Capital, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

865 S. Figueroa Street, 10th Floor, Los Angeles, CA 90017

A true and correct copy of the foregoing documents entitled: Joint Status Report [LBR 7016-1(a)(2)]

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* November 22, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/22/2023
Date

Razmig Izakelian
Printed Name

/s/ Razmig Izakelian
Signature

Razmig Izakelian on behalf of Plaintiff OHP-CDR, LP
razmigizakelian@quinnemanuel.com

Razmig Izakelian on behalf of Plaintiff PurchaseCo 80, LLC
razmigizakelian@quinnemanuel.com

Yosina M Lissebeck on behalf of Counter-Claimant Richard A. Marshack
Yosina.Lissebeck@Dinsmore.com, caron.burke@dinsmore.com

Yosina M Lissebeck on behalf of Defendant Richard A. Marshack
Yosina.Lissebeck@Dinsmore.com, caron.burke@dinsmore.com

Richard A Marshack (TR)
pkraus@marshackhays.com, rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com

Ronald N Richards on behalf of Interested Party Courtesy NEF
ron@ronaldrichards.com, 7206828420@filings.docketbird.com

United States Trustee (SA)
ustpreion16.sa.ecf@usdoj.gov

Sharon Z. Weiss on behalf of Defendant Azzure Capital LLC
sharon.weiss@bclplaw.com, raul.morales@bclplaw.com, REC_KM_ECF_SMO@bclplaw.com